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13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
San Jose Division

15 BINYAM MOHAMED;
16 ABOU ELKASSIM BRITEL;
17 AHMED AGIZA;
18 MOHAMED FARAG AHMAD
19 BASHMILAH;
20 BISHAR AL-RAWI

21 Plaintiffs,

22 v.

23 JEPPESEN DATAPLAN, INC.
24
25 Defendant.

Case No. C-07-02798-JW

STIPULATION AND [PROPOSED]
ORDER RE: BRIEFING SCHEDULE ON
MOTION TO INTERVENE AND
MOTION TO DISMISS

Judge:	Hon. James Ware
Hearing Date:	February 4, 2008
Hearing Time:	9:00 AM
Courtroom:	8, 4th Floor

26
27 Stipulation and [Proposed] Order Re: Briefing Schedule on
28 Motion to Intervene and Motion to Dismiss,
Case No. C-07-02798-JW

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JEPPESEN DATAPLAN, INC.

27 Stipulation and [Proposed] Order Re: Briefing Schedule on
28 Motion to Intervene and Motion to Dismiss,
Case No. C-07-02798-JW

1 **STIPULATION AND PROPOSED ORDER**

2 WHEREAS on October 19, 2007, the United States filed a Motion to Intervene, and a
3 separate Motion to Dismiss, or in the Alternative, for Summary Judgment, in this action, both of
4 which currently are scheduled for argument on February 4, 2008;

5 WHEREAS on October 19, 2007, the United States submitted a formal assertion of the
6 military and state secrets privilege, as well as a statutory privilege under the National Security
7 Act, in this action;

8 WHEREAS undersigned counsel for Defendant Jeppesen Dataplan, Inc. has indicated
9 that Jeppesen does not oppose the United States' Motion to Intervene;

10 WHEREAS the Commentary to Local R. 7-2 states that, "[f]or complex motions, parties
11 are encouraged to stipulate to or seek a Court order establishing a longer notice period with
12 correspondingly longer periods for response or reply"; and

13 WHEREAS the parties respectfully submit that the proposed schedule set forth below
14 will enable them to fully and fairly brief the issues raised by the United States' Motion to
15 Intervene and separate Motion to Dismiss or, in the Alternative, for Summary Judgment in
16 advance of the February 4, 2008 hearing;

17 NOW THEREFORE, Plaintiffs, Defendant, and the United States, through their
18 undersigned counsel, hereby stipulate and request that the Court make this stipulation an order of
19 the Court:

20 1. Plaintiffs shall file their response to the Motions to Intervene and to Dismiss, or,
21 in the Alternative, for Summary Judgment by the United States on or before December 14, 2007;
22 the United States shall file its reply in support of these motions on or before January 18, 2008;
23 and the hearing on these motions shall be February 4, 2008, and 9:00 a.m., or at such time
24 thereafter as is convenient for the Court.

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3 Dated: October 31, 2007

UNITED STATES DEPARTMENT OF JUSTICE

4
5 By: Michael P. Abate

Michael P. Abate

6 Attorneys for United States of America

7
8 Dated: October 30, 2007

AMERICAN CIVIL LIBERTIES UNION FOUNDATION

9
10 By: Steven M. Watt

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11 Attorneys for Plaintiffs

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13 Dated: October 31, 2007

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15 By: Daniel P. Collins

Daniel P. Collins

16 Attorneys for Defendant
17 JEPPESEN DATAPLAN, INC.

18
19 IT IS SO ORDERED.

20 Dated: _____

21 HON. JAMES WARE
22 UNITED STATES DISTRICT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that the foregoing STIPULATION AND [PROPOSED] ORDER RE: BRIEFING SCHEDULE ON MOTION TO INTERVENE AND MOTION TO DISMISS will be served by means of the Court's CM/ECF system, which will send notifications of such filing to the following:

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Motion to Intervene and Motion to Dismiss,
Case No. C-07-02798-JW

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4 /s/ Michael P. Abate
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